UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
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ART UNIT	PAPER NUMBER
2163	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *Appeal Brief filed 2/13/07*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-49* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-49* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   In view of the appeal brief filed on February 13, 2007, PROSECUTION IS HEREBY

REOPENED. A rebuttal to the Reply Brief is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following

two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37

CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a

supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or

other evidence are permitted. See 37 CFR 1.193(b)(2).

2.   The following is Non-Final Office Action in response to the appeal brief. Claims 1-49 are

pending in this application.

Response to Arguments

3.   Applicant's arguments with respect to claims 1-49 have been considered but are moot in

view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth
> in section 102 of this title, if the differences between the subject matter sought to be patented and the prior
> art are such that the subject matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

1.   Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski et

al. (US 6,567,119 B1) in view of Kain, III et al. (US 6,119,118).

Regarding claim 1, Parulski disclose a method for automatically processing digital image

assets of a digital camera, comprising the steps of:

-   Receiving a set of assets and metadata from a digital camera that have been organized

    by the digital camera into a camera organization structure (summary and col.5, line

    63 to col.6, line 32, Parulski discloses picture elements "a set of assets" and

    "metadata" in a digital camera) and

-   processing the assets and metadata into a standard structure (summary and col.5, lines

    46-62, Parulski discloses the selecting the images "set of assets and metadata" to be

    processed and converted to the finished file format "a selected organization

    structure").

Parulski does not explicitly disclose automatically identifying a selected restructuring

scheme from a plurality of schemes. Kain discloses method and system for extending file

system metadata including automatically managing an organized file set from a variety of

file formats (col.8, lines 44-53 and col.19, lines 36-55, Kain). It would have been obvious

to one of an ordinary skill person in the art at the time of the invention was made to apply

the Kain's file system into Prulski's image file system, because by doing so, as suggested

by Kain the combined system would formatting any application file system from one

format to specific format for faster access and make the system upgrade easier to perform

and allows clients to characterize multiple instances of file system to specific required

formats (col.3, lines 25-36, Kain).

Regarding claim 2, Parulski/Kain combination discloses the method wherein automatically identifying the selected restructuring scheme comprises comparing the set of assets and metadata with a predetermined set of characterizations of assets and metadata to determine whether a match is present (col.6, lines 27-32, Parulski).

Regarding claim 3, Parulski/Kain combination discloses the indicating to the user that no match was found (col.1, line 62 to col.2, 5, Kain).

Regarding claim 4, Parulski/Kain combination discloses the method wherein automatically identifying the selected restructuring scheme includes, where no match is found, applying a fallback scheme (col.1, line 62 to col.2, 5; col.3, lines 60-64; and col.17, lines 51-64, Kain).

Regarding claim 5, Parulski/Kain combination disclose the method of claim 1 wherein processing the assets and metadata into the selected organization structure comprises asset normalization (abstract and col.6, lines 27-32, Parulski).

Regarding claim 6, Parulski/Kain combination discloses the method wherein applying the asset normalization includes at least one of: making explicit an identity and purpose of files, making explicit relationships between files, extracting data and metadata of files, where necessary converting formats of files, and attaching associated asset handlers to specific asset types (col.1, line 62 to col.2, 5; col.3, lines 60-64; and col.17, lines 51-64, Kain).

Regarding claim 7, Parulski/Kain combination discloses the method wherein applying the asset normalization provides a file output that contains references to files and metadata determined to be relevant to a set of inputs (col.5, lines 52-62 and col.6, lines 27-32, Parulski).

Regarding claim 8, Parulski/Kain combination discloses the method wherein the file

output includes files discovered by interrogating a file system to discover additional relevant

files based on an asset moralizer's knowledge and heuristics (col.5, lines 52-62 and col.6, lines

27-32, Parulski).

Regarding claim 9, Parulski/Kain combination discloses the method wherein processing

includes processing the selected organization structure into a user-friendly structure that is one

of: an audio-video presentation, still images, still images plus audio clips, video clips, and audio

clips (col.5, lines 52-62 and col.6, lines 27-32, Parulski).

Regarding claim 10, Parulski/Kain combination discloses the method wherein processing

includes processing the selected organization structure to provide for at least one of: viewing and

hearing the user-friendly structure in an exogenous device (col.5, lines 52-62 and col.6, lines 27-

32, Parulski).

Regarding claim 11, Parulski/Kain combination discloses the method wherein

automatically identifying a selected restructuring scheme to use for processing a set of assets and

metadata includes using a framework having a set of available asset normalizers to identify a

best available asset normalizer (col.8, lines 44-53 and col.19, lines 36-55, Kain).

2.   Claims 12-14, 15-33, 36-39 and 40-47 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Kain, III et al. (US 6,119,118) in view of Hossain et al. (US Pub.

2003/0059199 A1).

Regarding claim 12, Kain discloses an asset normalizing method for processing a

collection of files, comprising the steps of:

- automatically matching an asset organization scheme of files to a selected asset

  normalizer of a predetermined set of asset normalizers (col.1, line 62 to col.2, 5;

  col.3, lines 60-64; and col.17, lines 51-64, Kain); and

- processing the collection of assets into a standard structure in accordance with the

  best available asset normalizer (col.8, lines 44-53 and col.19, lines 36-55, Kain).

Kain, however, does not disclose a digital camera asset. Hossain discloses system and

method for creating and viewing digital image files (abstract; ¶[0032]-[0033], Hossain).

It would have been obvious to one of an ordinary skill person in the art at the time of the

invention was made to apply the Hossain's digital image file into Kain's file system,

because by doing so, as suggested by Kain the combined system would formatting any

application file system from one format to specific format for faster access and make the

system upgrade easier to perform and allows clients to characterize multiple instances of

file system to specific required formats (col.3, lines 25-36, Kain).

Regarding claim 22, Kain discloses a file system for processing a camera-specific

organization scheme of digital image assets into a non-camera specific organization format,

comprising:

- A comparison component for automatically matching the specific organization

  scheme of file to a selected asset organization normalizer of a predetermined set of

  asset organization normalizers (col.1, line 62 to col.2, 5; col.3, lines 60-64; and

  col.17, lines 51-64, Kain); and

- An asset-processing component, coupled to the comparison component, for

  organizing the file assets of the digital camera into a snon-camera specific

organization format in accordance with the selected asset normalizer to allow the file

assets to be processed by a variety of devices (col.8, lines 44-53 and col.19, lines 36-

55, Kain).

Kain, however, does not disclose a digital camera asset. Hossain discloses system and

method for creating and viewing digital image files (abstract; ¶[0032]-[0033], Hossain).

It would have been obvious to one of an ordinary skill person in the art at the time of the

invention was made to apply the Hossain's digital image file into Kain's file system,

because by doing so, as suggested by Kain the combined system would formatting any

application file system from one format to specific format for faster access and make the

system upgrade easier to perform and allows clients to characterize multiple instances of

file system to specific required formats (col.3, lines 25-36, Kain).

Regarding claim 36, Kain disclose a computer-reable medium containing instructions for

processing a collection of digital image assets from a digital camera that are organized in a first

organization format based on an asset organization scheme into a second organization format by:

- automatically matching the asset organization scheme of the digital camera to a

  selected asset organization normalizer of a predetermined set of asset organization

  normalizers (col.1, line 62 to col.2, 5; col.3, lines 60-64; and col.17, lines 51-64,

  Kain); and

- processing the collections of assets of the digital camera into the organization format

  in accordance with the selected asset organization normalizer (col.8, lines 44-53 and

  col.19, lines 36-55, Kain).

Kain, however, does not disclose a digital camera asset. Hossain discloses system and method for creating and viewing digital image files (abstract; ¶[0032]-[0033], Hossain). It would have been obvious to one of an ordinary skill person in the art at the time of the invention was made to apply the Hossain's digital image file into Kain's file system, because by doing so, as suggested by Kain the combined system would formatting any application file system from one format to specific format for faster access and make the system upgrade easier to perform and allows clients to characterize multiple instances of file system to specific required formats (col.3, lines 25-36, Kain).

Regarding claims 13, 23 and 37, Kain/Hossain combination discloses the automatically matching an asset organization scheme includes comparing the set of digital assets and metadata with a predetermined set of characterizations of assets and metadata to determine whether a match is present (col.1, line 62 to col.2, 5; col.3, lines 60-64; and col.17, lines 51-64, Kain).

Regarding claims 15, 27 and 41, Kain/Hossain combination discloses the automatically matching an asset organization scheme includes, where no match is found, applying a fallback asset normalizer (col.1, line 62 to col.2, 5; col.3, lines 60-64; and col.17, lines 51-64, Kain).

Regarding claims 16, 28 and 42, Kain/Hossain combination discloses the processing the collection of digital image assets of the digital camera comprises asset normalization that normalizes the asset organization scheme of the digital camera into the selected standard organization structure (¶ [0014] and [0032]-[0033], Hossain).

Regarding claims 17, 29 and 43, Kain/Hossain combination discloses the asset normalization includes at least one of: making explicit an identity and purpose of files, making explicit relationships between files, extracting data and metadata of files, where necessary

converting formats of files, and attaching associated asset handlers to specific asset types (¶ [0014] and [0032]-[0033], Hossain).

Regarding claims 18, 30 and 44, Kain/Hossain combination discloses the asset normalization provides a file output that contains references to files and metadata determined to be relevant to a set of inputs (¶ [0014] and [0032]-[0033], Hossain).

Regarding claims 19, 31 and 45, Kain/Hossain combination discloses that the file output includes files discovered by interrogating a file system to discover additional relevant files based on an asset normalizer's knowledge and heuristics (¶ [0014] and [0032]-[0033], Hossain).

Regarding claims 20, 32 and 46, Kain/Hossain combination discloses processing the standard organization structure into a user-friendly structure that is at least one of: an audio-video presentation, still images, still images plus audio clips, video clips, and audio clips (abstract; summary and ¶[0032]-[0033], Hossain).

Regarding claims 21, 33 and 47, Kain/Hossain combination discloses providing for at least one of: viewing and hearing assets selected by the selected asset normalizer in an exogenous device (abstract; summary and ¶[0032]-[0033], Hossain).

Regarding claims 24 and 38, Kain/Hossain combination discloses the comparison component includes information that includes at least one of: a directory pattern, a file name pattern, and an image metadata pattern (¶[0032]-[0033]; [0037] and [0043], Hossain).

Regarding claims 25 and 39, Kain/Hossain combination discloses a directory pattern is assembled by an ordered transversal to a depth of at least one directory beneath a predetermined location and concatenating directory names with or without separator characters or symbols (¶[0032]-[0033]; [0037] and [0043], Hossain).

Regarding claims 14, 26 and 40, Kain/Hossain combination discloses the indicating to the user that no match was found (col.1, line 62 to col.2, 5, Kain).

3.   Claims 34-35 and 48-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kain, III et al. (US 6,119,118) in view of Hossain et al. (US Pub. 2003/0059199 A1) and further in view of Calia (US 5,450,504).

Regarding claims 34 and 48, Kain and Hossain combination discloses all of the claimed limitations as discussed above, except a comparison a score that represents a quality of a match. Calia discloses a method for finding a most likely matching of a target facial image in database of facial images including an image comparison and score for each comparison (abstract and col.11, line 24 to col. 12, line 11, Calia). It would have been obvious to one of ordinary skill in the art time of the invention to modify the combination of Hossain and Kain to include the claimed feature as taught by Calia. The motivation of doing so would have been to efficiently digital image assets and determine a match (col.2, line 46 to col.3, line5, Calia).

Regarding claims 35 and 49, Kain/Hossain/Calia combination disclose the digital camera system wherein a highest score is the score that represents the quality of a best match (col.11, line 24 to col. 12, line 11, Calia).

Conclusion

4.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Willman et al. (US 5,363,487) disclose method and system for dynamic volume tracking in an installable file system.
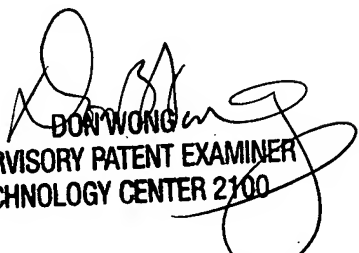
5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Hanh B. Thai whose telephone number is 571-272-4029. The

examiner can normally be reached on Mon-Thur (7:00AM - 4:30 PM).

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

        Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hanh B Thai
Examiner
Art Unit 2163

May 9, 2007

DON WONG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100